IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MRS. JUSTICE K.HEMA

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

MFA.No. 542 of 2002

OPMV.1369/1999 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, MUVATTUPUZHA
.....

APPELLANT: PETITIONER

LIJOY JOSEPH,S/O.JOSEPH,VALIYAPARAMBIL HOUSE,MATHIRAPPILLY,KOTHAMANGALAM.

BY ADV. SRI.S.GOPAKUMARAN NAIR
SRI.SOORAJ ELANJICKAL

RESPONDENTS: RESPONDENTS
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1. P.J.JOSE,ST.JOSEPH'S INDUSTRIES, MALIPPARA P.O.,KOTYAMANGALAM

2. AJI MATHEW,S/O.K.E.MATHEW,KAKKANAT HOUSE AYOORPADAM,KOTHAMANGALAM

3. THE BRANCH MANAGER,THE UNITED INDIA INSURANCE CO.LTD.,MUVATUPUZHA

R3BY ADV. SRI.SIBY MATHEW
SRI.PHILIP J.VETTICKATTU

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 02/11/2007 ALONG WITH MFA NO. 911 OF 2002, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B. KOSHY & K.HEMA, JJ.

M.F.A.No. 542 of 2002

Dated this the 2nd day of November, 2007

Judgment

Koshy,J.

Appellant/Claimant at th age of 25 met with an accident on 19.6.1999. He claimed a compensation of Rs.Two lakhs for personal injuries suffered in the accident. The tribunal found that the offending vehicle was insured by the third respondent insurance company and the tribunal calculated a compensation of Rs.68,049/- and directed the third respondent insurance company to deposit the amount. Only the quantum of compensation is disputed in the appeal.

2. No disability certificate was produced. However, injury sustained by the appellant as per Ext.A5 certificate is as follows:

> "1. Comminuted fracture shaft of femur;
>
> 2. Laceration on (R) parietal region (R), knee;
>
> 3. Abrasions on (R) hand, (L) knee, both legs;
>
> 4. Contusion on (L) shoulder (R) thigh;
>
> 5. Fracture of shaft of (R) femur.

Considering the above and considering the expenses of Rs.27,000/- for medical expenses as covered by Ext.A8 series medical bills and compensation for pain and suffering, the tribunal granted the above compensation. In the absence of any disability certificate, we cannot say that the tribunal went wrong in not awarding compensation for permanent disability. However, we note that the tribunal has stated that fracture of the leg was treated by internal fixation and nail should be removed. For that expenses are to be incurred. No amount was granted for the above. He has claimed Rs.15,000/- as future expenses and we are of the opinion that an amount of Rs.5,000/- can be granted for future expenses considering the nature of injuries and for removal of implants. The above Rs.5,000/- should be deposited by the third respondent insurance company with 7.5 % interest from the date of application till its deposit. The appellant is allowed to withdraw the amount on deposit.

The appeal is allowed partly.

J.B.KOSHY
JUDGE

K. HEMA
JUDGE

vaa

J.B. KOSHY AND
K.HEMA,JJ.

M.F.A. No. 542 of 2002

Judgment

Dated:2nd November, 2007